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Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Letter dated 22 January 2007 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the Secretary-General

I am writing to advise you that a new constitution for Gibraltar was given effect by an Order-in-Council on 14 December 2006. It came into force on 2 January 2007.

The draft text of this constitution was put to the people of Gibraltar in a referendum on 30 November, and was approved by them. This followed a unanimous decision by the Gibraltar House of Assembly to hold a referendum. The United Kingdom regards the referendum as democratic, lawful and entirely proper. Geoff Hoon, the Minister for Europe, also confirmed, on 4 July 2006, that the Government of the United Kingdom regards the referendum as an exercise of the right of self-determination by the people of Gibraltar.

I enclose the text of this new constitution* and an accompanying dispatch, which I have sent to the Governor of Gibraltar. The new constitution recognizes the right of self-determination of the Gibraltarian people. The realization of that right must be promoted and respected in conformity with the provisions of the Charter of the United Nations and any other applicable international treaties. At the same time, the United Kingdom does not believe that the principle of territorial integrity is applicable to the decolonization of Gibraltar. British sovereignty of Gibraltar remains undiminished, and the United Kingdom retains its full international responsibility for Gibraltar's external relations and defence, and as the Member State responsible for Gibraltar in the European Union. For nationality purposes, Gibraltar will remain listed as a British Overseas Territory in the British Nationality Act of 1981, as amended by the British Overseas Territory Act 2002.

As the dispatch states, the new constitution provides for a modern relationship between Gibraltar and the United Kingdom. I do not think that this description would apply to any relationship based on colonialism. It has also been the long-standing view of the United Kingdom that none of its remaining overseas territories,

* www.gibraltar.gov.



including Gibraltar, should remain on the United Nations list of non-self-governing territories, despite the different circumstances affecting Gibraltar (namely the stated position of the United Kingdom that independence is not an option without Spanish consent, by virtue of the Treaty of Utrecht). However, we regard the criteria used by the United Nations Special Committee on Decolonization as outdated, and believe that the criteria fail to take account of the way that relationships between the United Kingdom and its overseas territories have been modernized, in a way that is acceptable to both parties. The United Kingdom does not, therefore, engage formally with the Committee in seeking the de-listing of any of its territories.

I should be grateful if you would arrange for the text of the present letter to be circulated as a document of the General Assembly under agenda item 39.

(Signed) Emyr Jones Parry
